### BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

ROBERT WEBSTER	)
Claimant VS.	/ Docket No. 196,185
BEECH AIRCRAFT CORPORATION Respondent Self-Insured	Docket No. 190,103
AND	
KANSAS WORKERS COMPENSATION FUND	{

# ORDER

Respondent appeals from an Award entered by Administrative Law Judge Bruce E. Moore dated March 4, 1996. The Appeals Board heard oral argument July 10, 1996.

#### **A**PPEARANCES

Respondent, a qualified self-insured, appeared by its attorney, Terry J. Torline of Wichita, Kansas. The Workers Compensation Fund appeared by its attorney, David G. Shriver of McPherson, Kansas.

### RECORD AND STIPULATIONS

The Appeals Board has reviewed and considered the record listed in the Award.

### **I**SSUES

All issues between the claimant and respondent were resolved by settlement. The sole issue decided by the Administrative Law Judge and the sole issue to be considered on appeal is what, if any, is the liability of the Kansas Workers Compensation Fund.

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments of the parties, the Appeals Board finds that the Award by the Administrative Law Judge should be affirmed. Specifically, the Appeals Board finds that respondent has failed to establish: (1) that claimant was a handicapped employee prior to the injury involved in this claim, (2) that respondent had knowledge of a preexisting impairment which constituted a handicap, or (3) that claimant knowingly misrepresented that he did not have a handicap or misrepresented that he did not have previous accidents. Respondent has, therefore, failed

to establish the requirements of Fund liability as set forth in K.S.A. 1992 Supp. 44-567. The Appeals Board so finds for the reasons stated in the Award entered by the Administrative Law Judge whose findings of fact and conclusions of law are hereby adopted by the Appeals Board as its own for purposes of this appeal.

# **AWARD**

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge Bruce E. Moore dated March 4, 1996, should be, and the same is hereby, affirmed.

IT IS SO ORDERED.					
Dated this	_ day of August 199	6.			
	BOARD	MEMBER			
	BOARD	MEMBER			
	2012				
	BOARL	MEMBER			

c: Terry J. Torline, Wichita, KS
David G. Shriver, McPherson, KS
Bruce E. Moore, Administrative Law Judge
Philip S. Harness, Director